CLERK'S COPY.

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 352

THE UNITED STATES OF AMERICA, PETITIONER

vs.

ILLINOIS CENTRAL RAILROAD COMPANY, A CORPORATION

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR CERTIORARI FILED AUGUST 26, 1937

CERTIORARI GRANTED OCTOBER 11, 1937

INDEX

	Page
Caption	1
Petition	2
Answer	5
Plaintiff's Motion for Judgment	9
Order Overruling Motion of United States for Judgment and Reserving to United States Bill of Exceptions to Ruling of the Court	10
Stipulation of Facts and Waiving Trial by Jury	11
Motion for Judgment in Favor of United States	15
Motion for Judgment in Favor of Plaintiff	16
Request of United States of America for Findings of Fact and Conclusions of Law	18
Court's Findings of Facts and Conclusions of Law	22
Order Denying Motion of United States for Judgment and for Findings of Fact and Conclusions of Law and Reserving Bill of Exceptions to Rulings of the Court	25
Order of Court Reserving to United States Bill of Exceptions to Conclusions of Law and Findings of Facts and Each of Them	26
Judgment	27

INDEX—Continued

	Page
Motion and Order Preserving and Extending Rights of Appeal on Behalf of United States	28
Petition for Appeal and Order Allowing Same	29
Assignment of Errors	31
Bills of Exceptions 1, 2, 3 and 4 and Notations Attached	35
Praecipe	47
Clerk's Certificate	51
Proceedings in U. S. C. C. A., Fifth Circuit	52
Minute entry of argument and submission	52
Opinion, Hutcheson, J	52
Judgment	56
Clerk's certificate	56
Order allowing certiorari	57

TRANSCRIPT OF RECORD

United States Circuit Court of Appeals

FIFTH CIRCUIT

UNITED STATES OF AMERICA,

Appellant,

versus

ILLINOIS CENTRAL RAILROAD COMPANY,
a Corporation,

Appellee.

Appeal from the United States District Court, Eastern District of Louisiana, returnable on or before February 26, 1937, at the City of New Orleans, Louisiana.

United States District Court,
Eastern District of Louisiana,
New Orleans Division.

UNITED STATES OF AMERICA

versus No. 232 (Law).

ILLINOIS CENTRAL RAILROAD COMPANY,
A Corporation.

Appearances:

Rene A. Viosca, Esq., United States Attorney; Robert Weinstein, Esq., Assistant United States Attorney; Of Counsel for United States of America Appellant;

Messrs. Lemle, Moreno & Lemle, (Arthur A. Moreno, Esq.) Of Counsel for Illinois Central Railroad Company, Appellee.

Appeal from the United States District Court for the Eastern District of Louisiana to the United States Circuit Court of Appeals for the Fifth Circuit, returnable on or before February 26th, 1937, at the City of New Orleans, Louisiana.

TRANSCRIPT OF RECORD.

2 PETITION

Filed March 22nd, 1933.
In the District Court of the United States
Eastern District of Louisiana.

No. 232—Law (D. of A. No. 19937).

United States of America

vs. 232 Law

Illinois Central Railroad Company, a corporation.

The United States of America, plaintiffs, by Edmond E. Talbot, their attorney in and for the Eastern District

of Louisiana, complain of the defendant, the Illinois Central Railroad Company, and state:

That heretofore, to-wit, on Oct. 8, 1932, and before and ever since said date said defendant was a corporation organized and existing under the laws of the State of Illinois and carried on its business in the Eastern District of Louisiana, and was at said times and is now a railroad company within the United States of America and owned and operated a railroad which formed a part of a line of road over which cattle, sheep, swine, and other animals are conveyed from one State to another, to-wit, from the State of Mississippi into the State of Louisiana, and over which said line of road the cattle hereinafter mentioned were conveyed from the State of Mississippi into another State, to-wit, Louisiana, and which railroad as aforesaid owned and operated by the defendant extends in part from New Orleans, Louisiana, to Jackson, Mississippi; and the Yazoo & Mississippi Valley Railroad Company then and there owned and operated another railroad which said railroad so owned and operated by the said Yazoo & Mississippi Valley Railroad Company connected with the said road of the defendant at Jackson, Mississippi, and extended from said Jackson to Hermanville, Mississippi.

B.A.I. No. 25470

And on October 8, 1932, at 3:00 o'clock in the afternoon the said Yazoo & Mississippi Valley Railroad Company at Hermanville Station aforesaid received from F. R. Sawyer, the owner thereof, a certain number of cattle, to-wit, 61 calves, consigned to W. H. Hodges & Company, New Orleans, Louisiana; and the owner of said cattle did then and there duly request in writing that the period of confinement of said cattle be extended to 36 hours.